



STATE OF ALABAMA
SURFACE MINING COMMISSION

P.O. BOX 2390 - JASPER, ALABAMA 35502-2390
(205) 221-4130 • FAX: (205) 221-5077

Permit Revision Number: R-54

REVISION TO PERMIT FOR
SURFACE COAL MINING OPERATIONS

Pursuant to the Alabama Surface Mining Control and Reclamation Act, Act No. 81-435, and duly promulgated rules of the Commission, revision is hereby approved for permit:

P- 3232-01-23-U
Crimson Oak Grove Resources, LLC.
46226 National Road
St. Clairsville, OH 43950
(Oak Grove Mine)

License No.: L-877
Pursuant to the
Permit map: 1 of 1
Certified by: Bradley K. Simmons P.E. 33277
Date: 01/26/2022

The permit is revised as follows:

- 1. Add 9 incidental acres to Increment No. 1 for Degasification Wells and a concrete borehole, including ancillary road access.**
- 2. Add 6 incidental acres to increment No. 1 to correctly show all disturbances for degasification wells and access.**
- 3. Modify the general plan.**

R-54 Finding 1: The Regulatory Authority has taken into account the effect of the proposed permitting action on properties listed or eligible for listing on the National Register of Historic Places. By letter dated January 14, 2022, the Alabama Historical Commission (AHC) stated, upon review of the cultural resource assessment conducted for the project, AHC concurs with the author's finding the project activities will have no effect on cultural resources eligible for or listed on the National Register of Historical Places. Therefore, AHC concurs with the determination of no effect to historical properties. This finding is supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Regulatory Authority has determined that no additional protection measures are necessary. Concerns for unknown resources, which might be discovered during mining, have been made conditions of the permit.

R-54 Finding 2: In a letter dated November 30, 2021 the Alabama Department of Conservation and Natural Resources (ADCNR) suggested a biological survey be conducted by trained professionals for the project area. The closest sensitive species is recorded in the ADCNR database as occurring approximately 3.3 miles from the subject site. McGehee Engineering Corp (MEC) conducted a biological habitat assessment in December 2021 for the area to be added by R-54. The project area consists of approximately 9 acres of previously clear-cut area with emergent herbaceous vegetation and existing access roads. There is no habitat for listed, threatened and endangered species and no evidence was found or observed for the presence or

possible presence of listed species, with the exception of the approximately 3 acres of potential summer roosting habitat for the Indiana Bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis Septentrionalis*). By comments dated January 12, 2022, the US Fish and Wildlife Service (FWS) acknowledges the permittee has stated that tree removal is only to occur between October 15 and March 31, therefore FWS concurs that no impacts to the Indiana bat and/or NLEB are anticipated as a result of your proposed project. No other federally listed species/critical habitat are known to occur in the project area. Approximately 6 acres was disturbed in T 18 S, R 6 W, Section 7 (NOI Site) off the permitted and bonded area. ASMC wrote a Notice of Violation, 22MDH001, on February 2, 2022 for the disturbance. By a letter dated January 26, 2022 MEC certify that there are no proposed impacts to Waters of the U.S. (WOTUS) located within the proposed new disturbances area being added by R-54 to Crimson Oak Grove Resources, LLC, P-3232, Oak Grove Mine. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

R-54 Condition 1: The permittee may only conduct tree removal from Oct. 15 - Mar. 31 within the P-3232 Revision 54 area.

ACREAGE SUMMARY:

*INCREMENT #1: increases to -----	968 acres
*INCREMENT #2: remains at -----	8 acres
INCREMENT #3: remains at -----	2 acres
*INCREMENT #4: remains at -----	5 acres

Total Acreage Increases to	983 Acres
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***Bonded to Date**

All other terms and conditions remain in effect as well as all Findings in the original permit and any Findings appropriate for this revision.

SM 4/20/2022

EFFECTIVE DATE: April 20, 2022


 Kathy H. Love, Director

/mw

cc: I & E, Permit File